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Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

PTO suggested wording for terminal disclaimer was unchanged.

Certification under 37 C.F..R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

JAN 1 9 2005 ... PTC/SB/98 (08-04)

Approved for use through 07/31/2006. OMB 0851-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: DANE SCARBOROUG	H
Application No./Patent No.: 10/758,387	Filed/Issue Date: 01/14/2004
Entitled: Tape Measure That Incorporates a When	eled Marking Device for Applying a Marking Indicia
IRWIN INDUSTRIAL TOOL COMPANY	, a CORPORATION
(Name of Assignos)	(Type of Assignee, e.g., corporation, parasership, university, government egency, etc.)
tates that it is:	
. the assignee of the entire right, title, and inte	rest, or
an assignee of less than the entire right, title : The extent (by percentage) of its ownership in	nterest is%
the patent application/patent identified above by virt	tue of either:
Vi An assignment from the inventor(s) of the patent appl States Patent and Trademark Office at Real 0153	lication/patent identified above. The assignment was recorded in the United 03 , Frame 0793 or for which a copy thereof is attached.
R	
. [] A chain of title from the inventor(s), of the patent appl	cation/patent identified above, to the current assignee as shown below:
1. From:	To:
The document was recorded in the United State Reel, Frame, or for	tes Patent and Trademark Office at
ridine, or it	от which a copy (петест is anached,
2. From:	To:
The document was recorded in the United State	les Palent and Trademark Office at
Real Frame or fo	
3. From:	
The document was recorded in the United State Reel Frame or for	#S Patent and Trademark Office at
[] Additional documents in the chain of title are fit	
Copies of assignments or other documents in the chain on the Copy of the original and accordance with 37 CFR Part 3, if the assignments	of little are attached. Issignment document (s)) must be submitted to Assignment Division in the records of the USPTO. See MPEP 302.08
e undorsigned (whose title is supplied below) is authorized	to act on behalf of the assignee.
Matt Popula Signature	1/12/05
Signature	Date
MATT POPIK	704-987-4565
Printed or Typed Name	Telephone number
v.p. of engineering	
Title	

This collection of information is required by 37 CFR 3,73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1,14. This collection is estimated to take 12 minutes to complete, including gathering, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the arrount of time you require to complete his form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradamark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Terminal Disclairer To Obviate A Double Patenting Rejection Organica Prior Patent

Docket No. LEVL107

In Re Application Of: SCARBOROUGH

Application No. 10/758.387

Filing Date 01/14/2004

Examiner GUADALUPE Customer No. 21,658

Group Art Unit

Confirmation No. 5442

2859

Invention: TAPE MEASURE THAT INCORPORATES A WHEELED MARKING DEVICE FOR APPLYING A

MARKING INDICIA

Owner of Record: IRWIN INDUSTRIAL TOOL COMPANY

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6, 698, 104. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1 321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon,

2. The undersigned is an attorney of record.

Dated: 1/12/05

MATT POPIK, V.P. OF ENGINEERING

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

PTO suggested wording for terminal disclaimer was unchanged.

Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner, DANE SCARBOROUGH	
Application No./Patent No.: 10/758,387	Filed/Issue Date: 01/14/2004
Entitled; Tape Measure That Incorporates a Wheele	ed Marking Device for Applying a Marking Indicia
IRWIN INDUSTRIAL TOOL COMPANY,	a CORPORATION
(Name of Assignmen)	(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)
states that it is:	
1. the assignee of the entire right, title, and interest	st; or
2. an assignee of less than the entire right, title an The extent (by percentage) of its ownership into in the patent application/patent identified above by virtue	arest is%
A. [/] An assignment from the inventor(s) of the patent applica	ation/patent identified above. The assignment was recorded in the United Frame <u>0793</u> , or for which a copy thereof is attached.
OR	
B. [] A chain of title from the inventor(s), of the patent applica	atton/patent identified above, to the current assignee as shown below:
The document was recorded in the United States Reel, Frame, or for	
	To:
The document was recorded in the United States Real, Frame, or for	Patent and Trademark Office at
3. From:	To:
The document was recorded in the United States Reel, Frame, or for your	
[] Additional documents in the chain of title are liste	ed on a supplemental sheet.
Copies of assignments or other documents in the chain of the NOTE: A separate copy (i.e., a true copy of the original assaccordance with 37 CFR Part 3, if the assignment in the control of the control o	Itle are attached. Ignment document (s)) must be submitted to Assignment Division in is to be recorded in the records of the USPTO. See MPEP 302.08]
The undersigned (whose title is supplied below) is authorized to Math Polyuk	act on behalf of the assignee. $1/(2/3) \le 1$
Signature	Date
MATT POPIK	704-987-4565
Printed or Typed Name	Telephone number
V.P. OF ENGINEERING	
Title	

This collection of information is required by 37 CFR 9.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting five completed application form to the USPTO. Time will vary depending upon the inclivatual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JAN 1 9 2005

Terminal Disclaimer	To Obviate A Double Over A Prior Patent
Patenting Rejection	Over A Prior Patent

Docket No.. LEVL107

In Re Application Of: SCARBOROUGH

Application No. 10/758,387

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Filing Date 01/14/2004

Examiner GUADALUPE

Customer No. 21,658

Group Art Unit 2859 Confirmation No. 5442

Invention: TAPE MEASURE THAT INCORPORATES A WHEELED MARKING DEVICE FOR APPLYING A

MARKING INDICIA

Owner of Record: IRWIN INDUSTRIAL TOOL COMPANY

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 160 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6, 637, 125. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 158 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

Matt Posebs

Dated: 1/12/05

MATT POPIK, V.P. OF ENGINEERING

Typed or Printed Name

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

PTO suggested wording for terminal disclaimer was unchanged.

Certification under 37 C F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

PTC/SB/96 (06-04)
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STATEMENT UNDER 37 CFR 3.73(b)

d/issue Date: <u>01/14/2004</u>		
Entitled: Tape Measure That Incorporates a Wheeled Marking Device for Applying a Marking Indicia		
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corporation, partnership, university, government agency, etc.)		
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above. The assignment was recorded in the United, or for which a copy thereof is attached.		
bove, to the current assignee as shown below:		
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k Office at		
s attach ed.		
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must be submitted to Assignment Division in records of the USPTO. See MPEP 302,08)		
ssignee.		
1/12/05		
//12/05 Date		
704-987-4565		
Telephone number		

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by \$5 U.S.C. 122 and 97 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the security of direction of time volume to complete this form and/or suggestors for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.